

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Anthony LaFauci

v.

Civil No. 99-cv-597-PB

Commissioner, New Hampshire Department
of Corrections, et al.

O R D E R

Plaintiff moves for default judgment against "Rocky Girard", an original defendant against whom default has been erroneously entered. I deny the motion for three reasons:

1. The certified mail receipt is not signed by "Rocky Girard" but by a "Yong Girard" who has not been shown to be an authorized agent for service of process.

2. The Clerk's office attempted service by U.S. certified mail is also ineffective as New Hampshire law (N.H. RSA 510:2) requires "in-hand" or "abode" service on non-motor vehicle accident residents and is not authorized by Fed. R. Civ. P. 4(e).

In short the default against Girard is vacated sua sponte.

3. LaFauci settled against all original defendants as is clear from the enclosed partial transcript of January 30, 2006.

The settlement is enforced and the file closed.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: June 23, 2006

cc: Anthony LaFauci, *pro se*
Mary E. Maloney, Esq.